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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,312	01/29/2004	Robert Jewett	16795-002001	5488
26161	7590	03/24/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			BOCHNA, DAVID	
		ART UNIT	PAPER NUMBER	
		3679		

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/767,312	JEWETT ET AL.	
	Examiner	Art Unit	
	David E. Bochna	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 and 7-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5,7-10,12-14,16,18-25 and 29-43 is/are rejected.
- 7) Claim(s) 11,15,17,26-28 and 44 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 7-10, 12-14, 16, 18-25, 29-32, 36-38 and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowrey.

In regard to claim 1, Lowery discloses an article for connecting a fluid conduit and a fluid container, the article comprising:

A receptacle 5 configured to receive the fluid conduit 22, the receptacle including a base 5 defining an opening for providing communication between the container and the fluid conduit and a sealing surface 6 at least partially surrounded by a wall 7 extending from the base, the wall configured to extend about the fluid conduit 22, the wall defining a passageway 17 extending from an outer surface of the wall to an inner surface of the wall.

In regard to claim 2, wherein the opening of the base is capable of fluid communication with the fluid conduit 22, the sealing surface 6 providing a seal to inhibit leakage as fluid moves along a fluid passageway defined, at least in part, by the opening of the base and the fluid conduit.

In regard to claim 7, wherein the receptacle is suitable for use as part of a sanitary plumbing connection.

In regard to claim 8, Lowery discloses an article for connecting a fluid conduit and a fluid container, the article comprising:

A collar 9 defining an opening therethrough, the opening configured to receive the fluid conduit 22; and

A receptacle 5 configured to receive the fluid conduit, the receptacle including a base defining an opening for providing communication between the container and the fluid conduit and a sealing surface 6 at least partially surrounded by a wall 7 extending from the base, the wall configured to extend about the fluid conduit, the wall defining a passageway 17 extending from an outer surface of the wall to an inner surface of the wall.

In regard to claim 9, a sealing member 14 seated adjacent the sealing surface 6.

In regard to claim 10, the sealing member 14 is a gasket.

In regard to claim 12, the receptacle 5 is configured to receive the collar 9 and the fluid conduit 22, and the wall 7 configured to extend about the collar.

In regard to claim 13, further comprising a fastener 18 configured to secure the collar to the receptacle.

In regard to claim 14, the fastener 18 is defined by a threaded outer surface of the collar and a mating threaded inner surface 8 of the wall.

In regard to claim 16, the collar and the receptacle each include a flange (9 and upper end of 7) extending outwardly from an associated outer surface.

In regard to claim 18, further comprising a fluid conduit 22 extending through the opening of the collar.

In regard to claim 19, the fluid conduit includes a flange (flange near 22) extending from an outer surface at an end of the fluid conduit.

In regard to claim 20, the flange of the fluid conduit is positioned between the collar 9 and sealing surface 6.

In regard to claim 21, the collar 9 includes a seating surface (interior of 9) configured to seat against a surface of the flange of the fluid conduit 22.

In regard to claim 22, an end of the fluid conduit defines a second sealing surface (surface of 22 in contact with 14).

In regard to claim 23, further comprising a sealing member 14 positioned between the sealing surfaces of the base and the fluid conduit.

In regard to claims 24 and 37, Lowrey discloses an article disposed on the container 2, the article comprising

A receptacle 5 configured to receive a fluid conduit 22, the receptacle including a base 5 defining an opening for providing fluid communication between the container and the fluid conduit and a sealing surface 6 at least partially surrounded by a wall 7 extending from the base, the wall configured to extend about the fluid conduit.

In regard to claim 25, the base defines an outer surface 4, opposite the sealing surface that is affixed to the container 2.

In regard to claim 29, the connector assembly further comprises a collar 9 defining an opening therethrough, the opening configured to receive the fluid conduit 22.

In regard to claim 30, the receptacle 5 is configured to receive the collar 9 and fluid conduit 22, the wall 7 configured to extend about the collar.

In regard to claims 31 and 38, further comprising a fastener 18 configured to secure the collar to the receptacle.

In regard to claims 32 and 40-41, the fastener is defined by a threaded outer surface of the collar and a mating threaded inner surface 8 of the wall.

In regard to claim 36, further comprising a fluid conduit 22 extending through the opening of the collar 9.

In regard to claim 38, the collar and the fluid conduit within the receptacle includes fastening the collar to the receptacle.

In regard to claim 42, the collar is seated against a flanged surface 10 of the fluid conduit 22.

In regard to claim 43, an end surface of the fluid conduit is seated within the receptacle.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery. Lowery discloses an assembly as described above, but does not disclose the exact materials that the assembly is made out of. However, it would have been obvious to make the assembly out of the materials recited by the Applicant because the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

5. Claims 33-35 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lowery in view of Cowell. Lowery discloses an assembly as described above, but does not disclose the use of a clamp. Cowell et al. teaches that using either a collar and a receptacle or a clamp are equivalents in the art. Therefore it would have been obvious to substitute the receptacle and collar of Lowery with a clamped flange, as taught by Cowell, because the two types of fastening structures are well known equivalents in the art, as demonstrated by Cowell.

Allowable Subject Matter

6. Claims 11, 15, 17, 26-28 and 44 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna
Primary Examiner
Art Unit 3679